

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

KUNTZMAN FAMILY LLC; JACQUELINE D.  
GREEN, in her capacity as a Managing Member of the  
Kuntzman Family L.L.C. and as Trustee of the  
Irrevocable Trust FBO Jennifer Gattegno and the  
Irrevocable Trust FBO Ethan Siegel, both members of  
the Kuntzman Family L.L.C, WAYNE D. GREEN, in  
his capacity as a Managing Member of the Kuntzman  
Family L.L.C.; JUDITH GATTEGNO, in her capacity  
as a Member of the Kuntzman Family L.L.C.;  
IRREVOCABLE TRUST FBO JENNIFER  
GATTEGNO, in its capacity as a Member of the  
Kuntzman Family LLC; AND IRREVOCABLE  
TRUST FBO ETHAN SIEGEL, in its capacity as a  
Member of the Kuntzman Family L.L.C,

Defendants.

Adv. Pro. No. 10-04752 (SMB)

**[PROPOSED] ORDER OF FINAL DEFAULT JUDGMENT  
AGAINST DEFENDANT KUNTZMAN FAMILY LLC**

THIS MATTER having come before the Court on December 1 and December 16, 2020, and the Court having entered an Order on December 22, 2020, granting Chaitman LLP's Application to Withdraw as Counsel and granting the Trustee's request to present an order striking Defendants' Answer and seeking entry of default judgment against Defendant Kuntzman Family LLC should Defendant Kuntzman Family LLC not appear through new counsel within sixty (60) days [ECF 107], and Defendant Kuntzman Family LLC failing to appear through new counsel within the sixty (60) day period provided,

**IT IS HEREBY FOUND AND DETERMINED THAT:**

A. The Complaint and accompanying Summons were properly served upon the Defendants, including Kuntzman Family LLC. [ECF Nos. 4 and 5]

B. Defendants filed an Answer to the Complaint on September 16, 2015. [ECF No. 41]

C. On October 28, 2020, Chaitman LLP, then counsel for Kuntzman Family LLC filed a notice of presentment of an order granting application to withdraw as counsel in this adversary proceeding. [ECF No. 94]

D. The Trustee objected to Chaitman LLP's Application to Withdraw as Counsel [ECF No. 95], and after hearings on the Application on December 1 and 16, 2020, and with notice via email and first class mail to Jacqueline Green, Jennifer Gattegno and Wayne Green, on December 22, 2020, this Court granted the Application, ordering that should Kuntzman Family LLC not appear through new counsel within sixty days, the Trustee may present an order striking Defendants' Answer and granting a default judgment. [ECF No. 107]

E. Sixty days have passed since the entry of the December 22, 2020 Order and Defendants have failed to appear through new counsel during that time.

F. Proper, timely, and sufficient notice of the Order Striking of Defendants' Answer and Granting Default Judgment and the opportunity for a hearing thereon has been given to the Defendants.

G. The Trustee is entitled to the immediate entry of a final default judgment against the Defendants in the amount of \$762,075, plus pre-judgment interest in the amount of four percent (4%) from the date of filing of the Complaint through date of presentment, on account of the claims asserted.

**IT IS ORDERED AND ADJUDGED THAT:**

1. Defendants' Answer is stricken;
2. Default judgment is entered against Defendant Kuntzman Family LLC, in favor of the Trustee, as follows:

- a. the Trustee be awarded a judgment against, and recovery from, Defendant Kuntzman Family LLC, in the liquidated amount of \$1,074,672 (the "Judgment Amount") representing the sum of:

- |  |           |
|--|-----------|
| 1) The Avoidable Transfers   | \$762,075 |
| 2) Pre-judgment interest on the Avoidable Transfers at the rate of 4% per annum, or \$83.48 daily, from Dec. 1, 2010 through March 1, 2021 | \$312,451 |

3. The Clerk of Court shall enter this Judgment in favor of the Trustee for the Judgment Amount.

4. This Court shall retain jurisdiction over the parties to this Adversary Proceeding for the purpose of, among other things, enforcing this Judgment.

Date: \_\_\_\_\_, 2021.

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JUDGE STUART M. BERNSTEIN